THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.10391 of 2002

ORAL ORDER:

This writ petition is filed seeking a Mandamus declaring the proposed action of the respondents in laying a canal across the field of the petitioner in Survey No.949/A, 950/VU, 950/RU, 950/LU of Marlapadu village, Vemsu mandal, Khammam district without causing any acquisition as illegal and arbitrary.

It appears, petitioner is an agriculturist holding various extents of lands in Marlapadu village. It is his contention that the respondents are proposing to lay a canal from his lands without initiating land acquisition proceedings. Hence the writ petition.

A detailed counter affidavit has been filed by the respondents stating that the channel work was taken up with the consent of the landowners, including the petitioner in whose land the canal was proposed. However, after completion of excavation of canal to a length of 3.00 k.m., petitioner has objected for excavation of canal in his land. Therefore, no work was taken up and the respondents have no intention to enter into petitioner's land and there is no existing channel which can be widened to avoid loss to the petitioner as stated by him and no canal was excavated in the lands of the petitioner.

Recording the above, the writ petition is closed. However, it is made clear that as and when the lands of the petitioner are required for the purpose of excavation of canal, the respondents shall initiate proceedings under Land Acquisition Act. No order as to costs.

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C.V.RAMULU,
J

Date: 24.11.2006

DA

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.10391 of 2002

24.11.2006

IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.10391 of 2002

Date: 24th November, 2006

Between:

Banney Veeraswamy

.. Petitioner

And

Government of A.P., rep. by its
Secretary, Irrigation Department,
Secretariat, Hyderabad & others.

.. Respondents